

DISCLAIMER PROCEDURE

The State of Idaho owns the beds and banks of all navigable waters below the ordinary high water mark, assuming the waterways were navigable at the time of statehood. These sovereign lands were acquired by virtue of the Equal Footing Doctrine and are administered by the Idaho Department of Lands (IDL) for the benefit of the public in accordance with the Public Trust Doctrine.

Two methods exist to clear title to property in areas where the navigable waterways have changed:

- 1) Quiet Title action through the courts
- 2) Disclaimer of Interest from the Department of Lands

The procedure for acquiring a disclaimer of interest is as follows:

1. Contact the appropriate IDL Supervisory Area Office to determine if the subject property qualifies for issuance of a disclaimer.
2. If the property qualifies, the subject property will require a legal survey. An IDL representative will visit the site with the surveyor to establish the Ordinary High Water Mark (OHWM).
3. In cases where the present river has moved onto lands outside the GLO meander line survey, the IDL will require the requesting party to disclaim to the State, that portion of the present riverbed lying outside the GLO meander line survey. The plat and legal description must show the location and acres of the riverbed parcel to be disclaimed to the state.
4. Since statehood, accretions have resulted from artificial means such as diking, filling, irrigation diversions, dam construction, etc. These lands must remain in the Public Trust. To avoid extensive research and potential litigation, the IDL will use the existing OHWM providing the requesting party will grant a 25-foot public use right of way along and adjacent to the existing ordinary high water line, dependent on the desires of the local land use planning entity.
5. The surveyor will need to prepare a record of survey, and a metes and bounds description, which shows: 1) the areas to be disclaimed from the state to the property owner; 2) from the property owner to the state; and 3) of the pedestrian pathway. These documents must show the present OHWM in relation to the original meander line as surveyed by the federal government land office (GLO) and be tied to the nearest section or quarter corner.
6. When the survey has been completed, submit the following documents to the Department of Lands office:
 - (a) A letter of request for the Disclaimer of Interest. Include the acreage of accretion land requested and the exact name and address you wish to appear on the disclaimer.
 - (b) A full size copy of the record of survey and a copy of the legal descriptions. A digital copy of the legal descriptions will also need to be provided.

(c) Tax payment history.

(d) Proof of ownership of the upland property adjacent to the area to be disclaimed; a copy of the property deed is preferable.

The fee for the disclaimer is the actual cost of the field inspection and preparation of the required documents but not less than \$600. Applicant will be billed following approval by the State Board of Land Commissioners.

IDAHO STATE DEPARTMENT OF LANDS

DIRECTOR'S OFFICE

P.O. Box 83720
300 N 6th St Ste 103
Boise ID 83720-0050
Tel No: 334-0200
FAX No: 334-2339 or 3698
George Bacon, Director

PRIEST LAKE AREA OFFICE

4053 Cavanaugh Bay Rd.
Coolin ID 83821
Tel No: 443-2516
FAX No: 443-2162
Mick Schanilec, Area Supervisor

PEND OREILLE LAKE AREA OFFICE

2550 Hwy. 2 West
Sandpoint ID 83864
Tel No: 263-5104
FAX No: 263-0724
Ed Robinson, Area Supervisor

KOOTENAI VALLEY AREA OFFICE

Route 4, P.O. Box 4810
(South Highway 95)
Bonners Ferry ID 83805
Tel No: 267-5577
FAX No: 267-8301
Scott Bacon, Area Supervisor

MICA AREA OFFICE

3706 Industrial Ave. South
Coeur d'Alene ID 83815
Tel No: 769-1577
FAX No: 769-1597
Michael Denney, Area Supervisor

ST. JOE AREA OFFICE

1806 Main Ave.
St. Maries ID 83861
Tel No: 254-4551
FAX No: 475-4867
Dean Johnson, Area Supervisor

CATALDO AREA OFFICE

80 Hilltop Overpass Rd.
Kingston ID 83839
Tel No: 682-4611
FAX No: 682-2991
Bob Burke, Area Supervisor

CLEARWATER AREA OFFICE

10230 Highway 12
Orofino ID 83544
Tel No: 476-4587
FAX No: 476-7175
Bob McKnight, Area Supervisor

PONDEROSA AREA OFFICE

3130 Highway 3
Deary ID 83823
Tel No: 877-1121
FAX No: 877-1122
Nolan Noren, Area Supervisor

MAGGIE CREEK AREA OFFICE

Rt. 2 Box 190
913 Third St.
Kamiah ID 83536
Tel No: 935-2141
FAX No: 935-0905
Jim Clapperton, Area Supervisor

CRAIG MT. AREA OFFICE

P.O. Box 68
Craigmont ID 83523
Tel No: 924-5571
FAX No: 924-5572
Jay Sila, Area Supervisor

PAYETTE LAKES AREA OFFICE

555 Deinhard Lane
McCall ID 83638
Tel No: 634-7125
FAX No: 634-5117
Sheldon Keafer, Area Supervisor

SOUTHWEST AREA OFFICE

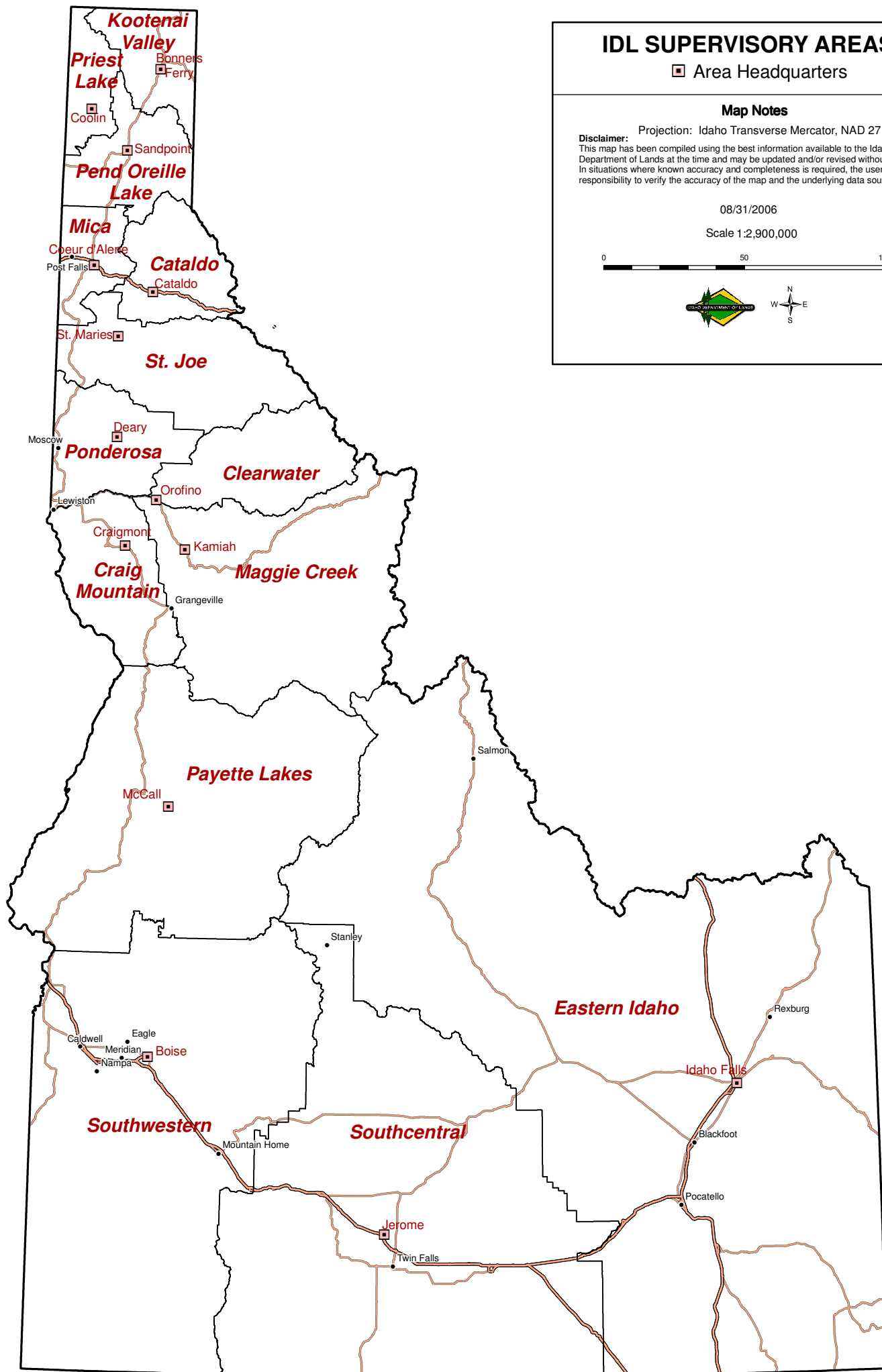
8355 W. State St.
Boise ID 83703
Tel No: 334-3488
FAX No: 853-6372
Steve Douglas, Area Supervisor

SOUTH CENTRAL AREA OFFICE

324 South 417 East
Suite 2
Jerome ID 83338
Tel No: 324-2561
FAX No: 324-2917
Tim Duffner, Area Supervisor

EASTERN IDAHO AREA OFFICE

3563 Ririe Highway
Idaho Falls ID 83401
Tel No: 525-7167
FAX No: 525-7178
Bob Brammer, Area Supervisor



IDL SUPERVISORY AREAS

▣ Area Headquarters

Map Notes

Projection: Idaho Transverse Mercator, NAD 27

Disclaimer: This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.

08/31/2006

Scale 1:2,900,000

0 50 100 Miles

